

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RENE ARTURO HINOJOSA,
as Representative of the Estate of
ALBERT HINOJOSA, Plaintiff,
v.
BRAD LIVINGSTON, et al.,
Defendants.

§
§
§
§
§
§
§
§
CIVIL ACTION NO. 4:14-cv-3311

DEFENDANTS' UNOPPOSED MOTION TO EXTEND DEADLINES

Defendants, The University of Texas Medical Branch at Galveston (“UTMB”), the individual UTMB Defendants, the Texas Department of Criminal Justice (“TDCJ”), and the individual TDCJ Defendants (hereafter “Defendants”), by and through their undersigned counsel, file this unopposed motion to extend all deadlines in the above-styled case pending final settlement.

The parties have reached a settlement, which will resolve all matters in this case. The parties have been working to finalize the various settlement documents in this and the related lawsuits. Defendants aver that the settlement in *Adams v. Livingston, et al.*, *Togonidze v. Livingston, et al.*, and *Webb v. Livingston, et al.*, will require Legislative approval during the 2019 Texas Legislative session. Plaintiff understands the necessary approvals of this settlement and understands the approval will not be achieved until 2019. The Settlements in the remaining cases require various governmental officials’ approval.

Accordingly, the parties request that all deadlines in this case be extended. In the unlikely event that the settlement in this case is not approved by the necessary government officials, the parties agree that a new scheduling order should be issued by the Court.

PROPOSED EXTENDED DEADLINES FOR THIS AND RELATED CASES

	Current Deadline	Proposed Deadline
Hudson/James: Defendants' TDCJ and Goings' Response to Plaintiff's Motion for Sanctions	April 23, 2018	August 31, 2018
Adams: Defendants' TDCJ and Goings' Response to Plaintiff's Motion for Sanctions	April 23, 2018	February 28, 2019
Hudson/James: Defendants' Reply Briefing in Support of Summary Judgment	April 23, 2018	August 31, 2018
Adams: Defendants' Reply Briefing in Support of Summary Judgment	April 23, 2018	February 28, 2019
Togonidze: Discovery Deadline	May 2, 2018	March 31, 2019
Martone Expert Reports	May 28, 2018	August 31, 2018
Togonidze Dispositive Motions Deadline	May 30, 2018	April 30, 2019
Martone Rebuttal Expert Reports	June 11, 2018	August 31, 2018
Hinojosa Expert Reports	July 9, 2018	August 31, 2018

CONCLUSION

Defendants respectfully request the Court grant their unopposed motion seeking an extension of all deadlines in this and the related cases.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

SHANNA ELIZABETH MOLINARE
Chief-Law Enforcement Defense Division
Assistant Attorney General
Texas Bar No. 24041506
Federal I.D. No. 38632
Shanna.molinare@oag.texas.gov

HEATHER RHEA
Assistant Attorney General
Texas Bar No. 24085420
Federal I.D. No. 2399979

COURTNEY BROOKE CORBELLO
Assistant Attorney General
Texas Bar No. 24097533
Federal I.D. No. 3089117

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 463-2080 / (512) 936-2109 (Fax)

GRAIG J. ALVAREZ
State Bar No. 24001647
Federal I.D. No. 22596

KARA STAUFFER
State Bar No. 24056373
Federal I.D. No. 685342

ALVAREZ STAUFFER BREMER PLLC
Mellie Esperson Building
815 Walker St., Suite 1450
Houston, Texas 77002
(713) 351-0301 / Fax (713) 351-0320

ATTORNEYS FOR DEFENDANTS
THE UNIVERSITY OF TEXAS MEDICAL BRANCH
AND DR. OWEN MURRAY

/s/ Leah J. O'Leary
LEAH J. O'LEARY
Assistant Attorney General
Attorney-In-Charge
Texas State Bar No. 24079074

Southern ID: 1563191
Leah.Oleary@oag.texas.gov

ATTORNEYS FOR TDCJ, AND INDIVIDUAL TDCJ DEFENDANTS

CERTIFICATE OF CONFERENCE

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, do hereby certify that I conferred with counsel for all other parties to this case on the merits of this motion and have been informed that Defendants' Motion to Extend Deadlines is unopposed.

/s/ Leah O'Leary
LEAH O'LEARY
Assistant Attorney General

NOTICE OF ELECTRONIC FILING

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a correct copy of the foregoing in accordance with the Electronic Case Files System of the Southern District of Texas, on May 11, 2018.

/s/ Leah O'Leary
LEAH O'LEARY
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing has been served on all counsel of record via electronic mail on May 11, 2018, as authorized by Fed. R. Civ. P. 5(b)(2) and in accordance with the electronic case filing procedures of the United States District Court for the Southern District of Texas.

/s/ Leah O'Leary
LEAH O'LEARY
Assistant Attorney General